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SUBJECT: NEWSPAPERS STAND FIRM IN COURT, EMBASSY ISSUES STATEMENT

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1. (SBU) SUMMARY: In preliminary court hearings in Dushanbe, editors in chief of four independent newspapers called libel lawsuits filed against them by government officials "groundless". On February 23, representatives of Asia-Plus, Farazh, Ozodagon and an attorney, Solijon Juraev, appeared in court to respond to a \$1.2 million lawsuit filed by three judges claiming defamation of their "honor and dignity". The newspapers were sued after publishing Juraev's allegations, backed up by a secretly made audio recording, that the judges convicted clients on orders of high-ranking officials. The Editor-in-chief of Millat appeared in court on February 25 to respond to the Ministry of Agriculture's demand for \$230,000 after Millat published an editorial, citing a government report, calling it "The Most Corrupt Ministry in Government". On February 24, the Embassy demarched the government on the newspaper cases and released a statement expressing concern about the judicial actions against the press. End Summary.

ASIA-PLUS, OZADAGON, FARAZH: LAWYER WARNS HE HAS MORE TAPES

2. (SBU) Emboffs observed an open preliminary hearing in which editors-in-chief of Asia Plus, Ozodagon, and Farazh presented their response to a libel lawsuit filed by three Tajik judges (Reftel). The courtroom was packed with journalists and observers from NGOs, international organizations, and Embassies. The judges reiterated their claims that Juraev and the newspapers slandered their "honor and dignity" and refused to drop their demands for 5 million somoni (\$1.2 million) in damages. The judges sued Juraev and the newspapers after they reported on Juraev's presentation of a secret audio recording of Judge Nur Nurov admitting he issued lengthy prison sentences to 31 Isfara residents on orders from the Chair of the Supreme Court. Representatives of the three newspapers called the charges "baseless".

3. (SBU) Juraev, also being sued, demanded to know why the Prosecutor General's Office has taken no action to investigate his allegations against the three judges. "These are serious charges that I made, but here I and the newspapers sit in court to defend ourselves, while they are asking for 5 million somoni (\$1.2 million)." Juraev warned that he had a full five tapes of Judge Nurov. He threatened to release even more damning recordings, including Nurov discussing President Rahmon's involvement in the "Isfara Affair" (Reftel) unless the charges against him and the newspapers are dropped. "According to Tajik

law, no one can slander the President. Yet I have a recording of Judge Nurov stating that the President is involved in corruption. If the judges do not drop their case, I will release the tape and Judge Nurov will have to answer for his statements."

¶4. (SBU) The judge announced he would set the first official court date after March 1. The Ambassador plans to attend the hearing as an observer. The judges may drop their charges prior to that date. The newspapers have indicated they would like the case to go away quietly if the judges agree to drop their suit.

ANOTHER LAWSUIT AGAINST ASIA-PLUS?

¶5. (SBU) On February 24, Asia-Plus reported that it is subject to another lawsuit, this time for causing emotional distress. The newspaper, citing the Interior Ministry, reported that a man was sentenced to life in prison for robbing a money exchange employee. The man's mother, herself a former Ministry of Interior employee, said that her son was actually sentenced to 25 years in prison. She claims she was distressed after reading the Asia-Plus article and is suing for 12,000 somoni (\$2,700). The Interior Ministry denies that it informed Asia-Plus that the man was given a life sentence.

MILLAT: "A MATTER OF LIFE OR DEATH FOR INDEPENDENT MEDIA"

¶6. (SBU) On February 25, representatives of independent weekly

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newspaper Millat appeared at court to meet a representative of the Ministry of Agriculture to respond to its \$230,000 libel lawsuit. Millat had published an article calling the Ministry the "Most Corrupt Ministry in Government", based on a government report citing irregularities in the Ministry's financing. (NOTE: Millat editor-in-chief Adolat Umarova told Public Affairs staff that much of the Millat article was reprinted verbatim from an article published by BBC Persian Service. She does not intend to reveal that her article was reprinted from BBC during the court case. Tajik journalists regularly print uncited articles from the international press. END NOTE.)

¶7. (SBU) Umarova was not permitted to attend the closed meeting between her lawyer, the judge, and a Ministry representative. Several dozen observers, including Embosffs, waited outside the courtroom. Umarova said the Ministry indicated that it wanted to reach a "mutual reconciliation" with Millat to end the court case, but that she was unwilling to come to any agreement with the Ministry. "The current cases are a matter of life or death for independent media" in Tajikistan. Umarova filed a counter-suit against the Ministry of Agriculture asking for one somoni compensation for damaging Millat's reputation through its lawsuit. The judge set March 11 as the date for the first hearing of the Ministry's suit.

EMBASSY DELIVERS DEMARCHE, ISSUES STATEMENT

¶8. (SBU) On February 24, Pol Chief delivered a demarche expressing concern about the lawsuits to the Head of the MFA North America Department, Farhod Salim. Salim said he would

pass the demarche to Foreign Minister Zarifi that morning. Later that day, the Embassy issued a press release noting that "the lawsuits threaten to force these newspapers to cease publication, which would be a serious blow to freedom of the press in Tajikistan." The press release was picked up by Tajik media websites and reprinted in the government's "Khobar" news service. Local media freedom advocates expressed appreciation for the Embassy's statement of support.

OPPOSITION POLITICIAN TURNS THE TABLES, SUES GOVERNMENT PAPER

¶9. (SBU) On February 22, Social Democratic Party of Tajikistan Chairman Rahmatullo Zoyirov announced he would sue the ruling People's Democratic Party of Tajikistan's newspaper, Minbari Khalk, for defamation, demanding 500,000 somoni (\$113,000) in compensation. Zoyirov, a tough regime critic, said the Minbari Khalk had published articles, under pseudonyms, accusing him of being a spy for Uzbekistan.

¶10. (SBU) COMMENT: Government officials, used to bullying the media over the last few years, may not have expected such a vocal response to their lawsuits against the press. The Embassy will continue to raise this issue with the Tajik government and encourage them to advise their officials to stop using the judiciary as a mechanism to harass journalists. Unfortunately, many officials still have the old Soviet view that media primarily exists to promote state policies. On a brighter note, the cases seem to have brought the Tajik media community together and raised awareness of media freedom issues. Post will continue to report on developments in their court cases.
END COMMENT
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